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ARTICLE 12.

SIGN REGULATIONS

DIVISION I. PURPOSE AND SCOPE

Sec. 18-566. Purpose.

The purpose of this article shall be to coordinate the type, placement, and physical dimensions of signs within the different zoning districts; to recognize the commercial communication requirements of all sectors of the business community; to promote both renovation and proper maintenance of signs; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. The general objectives of these standards are to promote the health, safety, welfare, convenience and enjoyment of the public, and in part, to achieve the following:

- (a) Safety. To promote the safety of persons and property by providing that signs:
 - (1) Do not create a hazard due to collapse, fire, decay, collision, or abandonment;
 - (2) Do not obstruct fire-fighting or police surveillance; and
 - (3) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.
- (b) Communications efficiency. To promote the efficient transfer of information in sign messages by providing that:
 - (1) Those signs which provide messages and information most needed and sought by the public are given priorities;
 - (2) Businesses and services may identify themselves;
 - (3) Customers and other persons may effectively locate a business or service;
 - (4) No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and
 - (5) Persons exposed to signs are not overwhelmed by the number or size of messages presented and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.
- (c) Landscape quality and preservation. To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
 - (1) Do not interfere with scenic views;

- (2) Do not create a nuisance to persons using the public rights-of-way;
- (3) Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement;
- (4) Are not detrimental to land or property values; and
- (5) Contribute to the special character of particular areas or districts within the City, helping the observer to understand the City and orient himself/herself within it.

Sec. 18-567. Scope.

This article shall not relate to building design, nor shall the article regulate official traffic signs, gravestones, lighting or displays of a seasonal religious or traditional nature (e.g., Christmas or Chanukah lights or decorations, Thanksgiving decorations, Halloween lights or decorations, etc.) which are not commercially-oriented, scoreboards on athletic fields, or any display or construction not defined herein as a sign.

Thus, the primary intent of this article shall be to regulate signs intended to be viewed from any vehicular public right-of-way.

Unless specifically indicated or defined otherwise, the word "sign" refers to an on-premises sign.

Secs. 18-568--18-572. Reserved.

DIVISION II. REGULATION OF ON-PREMISES SIGNS BY DISTRICT

Sec. 18-573. Special provisions for selected districts within the 1945 corporate limits.

The following provisions are applicable to the Central Business District (CBD), the Central Business District Historic District Overlay (CBD-HDO), the Historic District-Mixed Use (HDMU) and the Main Street Mixed Use District (MSMU):

- (a) *Directional signs.* Up to four (4) freestanding directional/information signs are permitted per lot, not to exceed three (3) square feet in sign area per sign or thirty (30) inches in height.
- (b) *On-premises canopy or awning signs:*
 - (1) Any principal building may install signs on or hanging beneath canopies, awnings, overhangs, or porch roofs provided:
 - a. Any awning or canopy projecting into any city right of way shall require an encroachment agreement that shall be reviewed and approved by the City Engineer.

- b. The combined total area of signs applied to canopies and awnings shall not exceed twenty (20) percent of the aggregate area of the face of the canopy or awning.
 - c. Signs that are attached below a canopy, awning, overhang or porch roof shall not extend beyond the width of such canopy, awning, overhang, or porch roof and shall have a clearance of not less than nine (9) feet above the pedestrian walkway and shall not exceed three (3) square feet in area. The awning or canopy must meet all North Carolina State Building Code requirements for height and method of attachment.
- (c) *On-premises window signs:*
 - (1) Any principal building may install on-premises window signs provided:
 - a. The area of such signs shall not exceed an aggregate area equal to ten (10) percent of the total ground floor glassed window area of the building.
 - b. Such signs, if located inside the window, may be neon signs.
 - c. Such signs shall only be located on first floor windows.
 - d. The signs do not prohibit visibility into and out of the window.
- (d) Reserved.
- (e) *Incidental signs:*
 - (1) Any principal building may display incidental signs provided:
 - a. Such signs are flat-mounted against the building, window or door.
 - b. Such signs shall not exceed a total area of two (2) square feet.
- (f) *Revolving signs:* A revolving sign, specifically that of a striped barber pole, is allowed only in conjunction with a barber shop.

Sec. 18-574. Signs permitted in Historic Separate Use and Historic Overlay Districts.

(a) For the purpose of establishing, enhancing, preserving and developing the historical character and quality of the historic districts and historic district overlays, in accordance with G.S. 160A-397 and amendments thereto, no sign shall be erected, altered, restored or moved within such districts until after an application for a certificate of appropriateness has been submitted to, and approved by, the historic preservation commission or the historic preservation planning staff through the administrative approval process. The certificate of appropriateness shall be issued prior to the issuance of a sign permit.

(b) External illumination, if used, shall not be blinking, fluctuating or moving. Light rays shall shine only upon the sign or upon the property within the premises and shall not spill over the property lines in any direction, except by indirect reflection. Internal illumination is permitted; however, electronic changeable copy signs are prohibited.

(c) Any premises or principal building may erect one (1) on-premises real estate or construction sign advertising specific property for sale, rent, lease, development or construction,, provided:

(1) sale, rent or lease (real estate) signs shall not exceed four (4) square feet in area

(2) development or construction signs shall not exceed nine (9) square feet in area

(d) any premises may erect one (1) on-premises freestanding sign subject to the following restrictions:

(1) *Area.* Freestanding signs shall not exceed nine (9) square feet in area.

(2) *Height.* Freestanding signs shall in no case exceed six (6) feet in height.

(3) Acceptable forms of freestanding signs are monument and decorative post. Pole signs are prohibited.

(e) Any principal building may erect attached signs subject to the following restrictions:

(1) one (1) such sign per building facade shall be permitted, but no more than three (3) per building.

(2) such signs are mounted parallel to the building to which they are attached and project no more than eighteen (18) inches from the building.

(3) Such signs shall not extend above the roofline of the building on which they are attached.

(4) The combined total area of such signs shall not exceed twenty (20) percent of the wall area or fifty (50) square feet, whichever is less, with the following exceptions:

a. those for parking decks that provide public parking, for which the area of each shall not exceed one hundred (100) square feet; these signs shall be for the promotion of the parking deck and shall not include any additional advertising; and

b. where an original sign band exists or is proposed for new construction or renovations, in which case a larger sign may be approved by the historic preservation commission or historic preservation planning staff. Sign band text may not exceed sixty (60) percent of the sign band area. Replicating or restoring text is encouraged.

- (5) Reserved.
- (6) Any principal building may erect one (1) projecting sign provided:
 - a. Reserved.
 - b. such sign may project horizontally a maximum of six (6) feet, but shall be set back at least two (2) feet from the back face of the curb or outer edge of the pavement where there is no curb. Setback distances for projecting signs which front on state roads must be approved by the North Carolina Department of Transportation
 - c. such signs shall be erected at a height of not less than nine (9) feet above the pedestrian walkway
 - d. such sign shall not extend above the roofline of the building to which it is attached
 - e. such sign shall not exceed fifteen (15) square feet in area with the exception of those for parking decks that provide public parking. Projecting signs for parking decks providing public parking shall not exceed fifty (50) square feet in areas; these signs shall be for the promotion of the parking deck and shall not include any additional advertising
- (f) Bed and breakfast uses may erect either one (1) on-premises attached or one (1) freestanding sign subject to the following restrictions:
 - (1) *Prior approval.* Prior to obtaining a sign permit, all signage must receive approval through the historic preservation commission bypass procedures.
 - (2) *Area.* Attached signs shall not exceed two and one-quarter (2 1/4) square feet in area. Freestanding signs are permitted but shall not exceed four (4) square feet in area.
 - (3) *Mounting.* All attached signs shall be mounted flat against the wall of the principal building or on the fence surrounding the property. Such signage shall not be illuminated. Freestanding signs shall not exceed five (5) feet in height. Acceptable forms of freestanding signs are monument and decorative post. Pole signs are prohibited.
 - (4) Reserved.
 - (5) *Historic Wilmington Foundation plaques.* It is recommended that the Historic Wilmington Foundation plaque sign serve as part of the signage for the bed and breakfast, and a name plate with the words "Bed and Breakfast" be placed below the plaque sign. This nameplate shall be no wider than the width of the Historic Wilmington Foundation plaque and may be no higher than eight (8) inches. It is recommended that the historic name for the structure be used as the name of the bed and breakfast.

Sec. 18-575. Signs permitted in the Central Business District (CBD) and the Main Street Mixed Use (MSMU) District, the Riverfront Mixed Use (RFMU) District, and the Mixed Use (MX) District.

The following signs are permitted in the MSMU, RFMU, and MX districts and in that portion of the CBD that is outside of the CBD-HDO, except sandwich board signs which are allowed in the CBD-HDO:

- (a) External illumination, if used, shall not be blinking, fluctuating or moving. Light rays shall shine only upon the property within the premises and shall not spill over the property lines in any direction, except by indirect reflection. Internal illumination is permitted; however, electronic changeable copy signs are prohibited.
- (b) Any premises or principal building may erect one (1) real estate or construction sign advertising specific property for sale, rent, lease, development or construction, located on the premises, provided:
 - (1) Sale, rent or lease (real estate) signs shall not exceed six (6) square feet in area.
 - (2) Development or construction signs shall not exceed twenty-five (25) square feet in area.
- (c) Any premises may display one (1) on-premises freestanding sign subject to the following restrictions:
 - (1) Area. Freestanding signs shall not exceed thirty-five (35) square feet in area.
 - (2) Height. No freestanding sign shall exceed six (6) feet in height. Acceptable forms of freestanding signs are monument or decorative post. Pole signs are prohibited.
 - (3) Landscaping shall be installed along the base of the sign.
- (d) Any principal building may erect attached signs subject to the following restrictions:
 - (1) One such sign per building façade shall be permitted, but no more than three (3) per building.
 - (2) Such signs are mounted parallel to the building to which they are attached and project no more than eighteen (18) inches from that building.
 - (3) Such signs shall not extend above the roofline of the building to which it is attached.
 - (4) The combined total area of such signs shall not exceed twenty (20) percent of the total area of the wall to which the sign is attached, not to exceed two hundred (200) square feet in total area.

- (e) Any principal building may display one (1) attached projecting sign subject to the following restrictions:
- (1) There is no detached sign on the premises.
 - (2) Such sign may project horizontally a maximum of six (6) feet, but shall be setback at least two (2) feet from the back face of the curb or outer edge of the pavement where there is no curb. Setback distances for projecting signs which front on state roads must be approved by the North Carolina Department of Transportation.
 - (3) Such signs shall be erected at a height of not less than nine (9) feet above the sidewalk or other pedestrian passageway.
 - (4) Such sign shall not extend beyond the roof line of the building to which it is attached.
 - (5) Such sign shall not exceed fifteen (15) square feet in area.
- (f) Any premises or principal building may place sandwich board signs on the City sidewalk subject to the following restrictions:
- (1) *Number of signs.* Any premises, including those containing multiple businesses, may place only one (1) sandwich board sign per street frontage.
 - (2) *Area and height.* Any sandwich board sign shall not exceed eight (8) square feet per side in area. In addition, the width of the sign may not exceed two (2) linear feet, with a maximum height of four (4) feet. Within these specified maximum dimensions, creative shapes that reflect the theme of the business being advertised are encouraged (i.e. ice cream shop may display a sign in the shape of an ice cream cone).
 - (3) *Display hours.* Sandwich board signs shall be displayed only during operational hours of the business being advertised and shall not be lighted. These signs must be removed each day at the close of business. The hours of business operation shall be indicated on the inside surface of the sign board.
 - (4) *Location.* Sandwich board signs may be placed on the sidewalk directly in front of the associated use. Along streets with no parallel parking, sandwich board signs shall be placed on the sidewalk within four (4) feet of the curb. Along streets with parallel parking, a two (2) foot step-out zone shall be provided, and sandwich board signs shall be placed on the sidewalk at least two (2) feet from the curb but not more than four (4) feet from the curb. The location of any sandwich board sign shall be at least twenty (20) feet from any intersection and at least five (5) feet from any crosswalk or fire hydrant. No sandwich board sign may be placed where the unobstructed space for the passageway of pedestrians is reduced to less than four (4) feet. Trees, poles, signs, hydrants, trash receptacles, tree grates, etc. are all

considered obstructions.

- (5) *Materials, appearance.* The sign must be constructed of materials that present a finished appearance. Rough cut plywood is not acceptable. The sign lettering should be professionally painted or applied; a "yard sale" or "graffiti" look with hand painted or paint-stenciled letters is not acceptable, however, chalkboard signs shall be permitted. The written message of the sign should be kept to the minimum necessary to communicate the name of a business or a special message of the business.
 - (6) *Indemnification.* Any person erecting a sandwich board sign shall indemnify and hold harmless the City and its officers, agents, and employees from any claim arising out of the presence of the sign on City property or rights-of-way. The person erecting a sandwich board sign shall sign an indemnification agreement, approved by the City Attorney, prior to the issuance of a sign permit. The indemnification agreement shall be accompanied by evidence of insurance covering the liability assumed in this subsection and the agreement.
 - (7) *Determination by City Manager.* Questions as to placement of sandwich boards shall be determined by the City Manager, and may be appealed as provided in Article 2, Division II of this Chapter.
- (g) Off-premises sandwich board signs shall be permitted within Riverfront Park, as identified in section 7-38 of the City Code, subject to the following restrictions:
- (1) *Number of signs.* Only one (1) permit for an off-premises sandwich board sign will be issued for any vendor/tour operator in the Riverfront Park area. A gross total of eight (8) sandwich board signs may be permitted in the park at any given time. Placement of a sandwich board sign in this area will preclude the use of any kiosk for advertisement by the same vendor/tour operator.
 - (2) *Location.* Permits issued for any such advertising signs will indicate the approved size and location of the sign. Signs shall not impede pedestrian or vehicular traffic in any way.
 - (3) *Area and height, display hours, materials, appearance, indemnification, and determination by City Manager.* Any off-premises sandwich board sign placed in the Riverfront Park area is subject to the sandwich board sign regulations outlined in subsection 18-575(f).

(Ord. No. 0-2006-66, § 1, 7-11-06)

Sec. 18-576. Signs permitted in most districts.

The following signs are allowed in all districts except for the separate use historic districts, historic district overlays, the Main Street Mixed Use District and Central Business Districts, provided, however, political signs as listed in subsection 18-576(d), are allowed in all districts:

- (a) One (1) construction sign for each street frontage of a construction project, not to exceed twenty (20) square feet in sign area in residential zones or thirty-five (35) square feet in sign area in all other zones. Such signs may be erected ten (10) days prior to beginning of construction and shall be removed within thirty (30) days following completion of construction.
- (b) Two (2) non-illuminated real estate signs per lot or premises, not to exceed twenty (20) square feet in sign area. Such signs must be removed thirty (30) days following rental, sale or lease.
- (c) One (1) attached nameplate per occupancy, not to exceed four (4) square feet in sign area.
- (d) Non-illuminated political signs, not to individually exceed twelve (12) square feet in sign area. Such signs shall be removed thirty (30) days following the applicable election or referendum. Political signs may be placed only on private property and only with permission of the property owner. (See section 18-592, signs not requiring permits).
- (e) Four (4) freestanding directional/information sign(s) are permitted per lot, not to individually exceed three (3) square feet in sign area or thirty (30) inches in height.

Sec. 18-577. Signs permitted in Residential Districts.

Signs are allowed as follows in Residential Districts R-15, R-10, R-7, R-5, R-3, MHP, MF-L, MF-M, and MF-H:

Note: In that portion of the R-5 and R-7 Districts in the Historic District Overlay, commonly referred to as Carolina Heights, a certificate of appropriateness shall be obtained from the historic preservation commission or the historic preservation planning staff prior to the issuance of a sign permit. The certificate of appropriateness shall be required whether or not a sign permit is required. The boundaries of the Historic District Overlay shall be determined from maps or files in the Development Services Department.

- (a) All signs as permitted in section 18-576. Signs permitted in most districts.
- (b) Two (2) subdivision identification signs per entrance, not to exceed thirty-five (35) square feet each in sign area. Identification signs may be located on privacy and freestanding walls. Unless otherwise specified, the identification sign must be located on a freestanding wall, the wall shall not exceed six (6) feet in height, or the height of the subdivision privacy wall, whichever is greater.
- (c) One (1) identification sign per apartment or condominium complex entrance, not to exceed thirty-five (35) square feet in sign area. Identification signs may be located on walls provided such signs do not exceed four (4) feet in height and seventy-five (75) square feet in area.

- (d) For permitted nonresidential uses, including churches and synagogues, one (1) free-standing sign per frontage, not exceeding thirty-five (35) square feet in sign area, and one (1) marquee sign not to exceed twenty-five (25) square feet in sign area.

Special regulations for residential districts are as follows:

- (e) All permitted freestanding signs shall have a maximum height limit of six (6) feet and shall have a minimum setback of five (5) feet from any property line. For permitted freestanding signs which are to be illuminated, such illumination must come from a light source which is external to the sign itself.
- (f) Bed and breakfast uses may erect on-premises attached or freestanding signs subject to the following restrictions:
 - (1) *Number of signs.* Any premises may erect either one (1) attached or one (1) freestanding sign.
 - (2) *Area.* Attached or freestanding signs shall not exceed four (4) square feet in area.
 - (3) *Setback.* A minimum setback of five (5) feet from any property line is required for all freestanding signs.
 - (4) *Height.* Freestanding signs shall be mounted so that in no case shall they exceed six (6) feet in height.
 - (5) All attached signs shall be mounted flat against the wall of the principal building.

Sec. 18-578. Signs permitted in the Neighborhood Business (NB) District.

(a) All attached signs in the NB district shall meet the requirements for signs for the Central Business District (CBD) zoning district as stated in section 18-575 with the additional requirements as stated within this section.

- (1) Signs shall coordinate with the overall character and design of the development. Lexan or other plastic materials shall not be utilized in any signs.
- (2) Freestanding signs are not permitted.
- (3) Internal illumination of signs is prohibited.

(b) Entry signs for the development shall be monument signs or mounted on site entry features. These entry signs shall be the only freestanding signs. Landscaping shall be provided around the base of the sign. A minimum of forty (40) square feet of ground cover, not including non-ornamental grasses, shall be provided. Entry signs shall have a maximum height of six (6) feet above the centerline height of the closest roadway. The area of monument signs shall be limited to thirty-two (32) square feet per side.

Sec. 18-579. Signs permitted in Commercial and Office and Institutional Districts.

Signs shall be allowed as follows in commercial and office districts CB, RB, CS, and O & I:

- (a) All signs as permitted in section 18-576, signs permitted in most districts. and section 18-577, signs permitted in residential districts.
- (b) One (1) primary freestanding sign per premises, as per Exhibit A* of this article. One (1) auxiliary sign for each one hundred (100) linear feet of road frontage up to a maximum of two (2) auxiliary signs on each road frontage for each parcel of property. Auxiliary signs shall not be permitted within fifty (50) feet of another auxiliary or primary sign located on the same parcel of property. Auxiliary signs shall meet the requirements set forth in Exhibit A.*
- (c) Up to five (5) attached signs per occupancy, in aggregate not to exceed twenty (20) percent of the area of the wall to which the signs are attached, up to a maximum size of two hundred fifty (250) square feet per each occupancy.
- (d) One (1) under-canopy or awning or under-porch roof sign per occupancy, not to exceed four (4) square feet in sign area.
- (e) Incidental signs, not to exceed six (6) square feet in aggregate sign area per occupancy.

Special regulations and allowances for commercial and office districts are as follows:

- (f) On-premises window signs. Any principal building may install on-premises window signs, provided:
 - (1) The area of such signs shall not exceed an aggregate area equal to ten (10) percent of the total ground floor glassed window area of the building.
 - (2) Such signs, if located inside the window, may be neon signs.
 - (3) Such signs are prohibited above the second floor occupancy.
- (g) Where an occupancy is on a corner or has more than one (1) main street frontage, additional wall sign(s) and additional freestanding sign(s) are allowed on the additional frontage(s), not to exceed the number and size limitations of other allowed wall and freestanding signs.
- (h) All freestanding, awning, marquee, and under-canopy signs shall have a minimum clearance of nine (9) feet over any pedestrian use area.
- (i) Three (3) awning signs per occupancy, not to exceed twenty (20) percent of the surface area of an awning.

- (j) Multi-unit signs consist of three (3) or more individual identification signs. These individual signs shall be designed to reflect a unified graphic appearance (e.g., size and material type), as determined by the City Manager. Individual commercial logos are permitted on multi-unit signs so long as they do not constitute more than twenty-five (25) percent of the area of the applicable individual occupancy identification sign.
- (k) A single occupant department store in the RB Regional Business District is permitted to construct a larger outdoor wall sign, and increased number of outdoor attached signs, provided all the following requirements are met. These requirements only apply to a two-story building.
 - (1) The two-story building must have a foot print greater than or equal to eighty thousand (80,000) square feet and a building total floor area greater than or equal to one hundred sixty thousand (160,000) total square feet. The two-story building must have two (2) separate floors or levels that are accessible by stairs, escalator, or elevator.
 - (2) A maximum of seven (7) attached signs not to exceed six hundred fifteen (615) square feet by cumulative square footage:
 - a. of which a maximum of four (4) attached signs can be placed above door or entrance ways with a maximum of twelve (12) square feet per sign for the building; and
 - b. up to three (3) attached signs per building, with not more than one (1) per view exposure, with a maximum sign size per wall not to exceed one point six (1.6) percent of the wall on which it is located, or not to exceed one hundred ninety (190) square feet per wall, whichever is less.
 - (3) To be eligible the structure shall be located no closer than an average of two hundred (200) feet from a public road right-of-way.
- (l) Electronic changeable copy signs (electronic message boards/panels) that display periodic static messages, symbols, or scenes. Electronic changeable copy signs shall be included in determining the number and area of freestanding and wall signs, depending on the method of attachment. Such signs shall not change or alternate displays (messages, symbols, scenes) more frequently than once every sixty (60) seconds.

Sec. 18-580. Signs permitted in Industrial Districts.

Signs are allowed as follows in Industrial Districts AI, LI, and IND:

- (a) All signs as permitted in section 18-576, signs permitted in most districts. and section 18-579, signs permitted in Commercial and Office and Institutional Districts.

Special regulations and allowances for Industrial Districts are as follows:

(b) Where an occupancy has more than one (1) main street frontage additional wall sign(s) and additional freestanding sign(s) are allowed on the additional frontage(s), not to exceed the number and size limitations of other allowed wall and freestanding signs.

(c) All freestanding, awning, marquee, and under-canopy signs shall have a minimum clearance of nine (9) feet over any pedestrian use area.

(d) Multi-unit signs consisting of three (3) or more individual occupancy identification signs shall be designed to reflect a unified graphic appearance (e.g., size and material type), as determined by the City Manager. Individual logos are permitted on multi-unit signs so long as they do not constitute more than twenty-five (25) percent of the area of the applicable individual occupancy identification sign.

EXHIBIT A

FREESTANDING SIGN TABLE

Zoning District	Number of Lanes	Street Frontage (In Feet)	Front Setback Min./Max. (In Feet)	Max. Primary Sign Ht. (Ft.)	Max. Aux. Sign Ht. (Ft.)	Max. Primary Sign Area (Sq. Ft.)	Max. Aux. Sign Area (Sq. Ft.)
O & I	2	N/A	5/15	12	10	35	20
	4	<=100	10/20	12	N/A	35	N/A
		>=100	10/20	20	10	50	25
CB	2	N/A	10/20	20	10	50	25
	4	<100	10/20	20	N/A	50	N/A
		>=100	10/20	20	12	65	32
RB, CS, AI, LI & IND	2	<100	10/20	20	N/A	65	N/A
		>=100	10/25	20	18	100	50
	4	<100	10/25	20	N/A	100	N/A
		>=100	10/30	25	20	150	75
		>=300	10/30	30	20	175	90

NOTE 1: Number of lanes refers to the ultimate number of lanes based upon existing roadway conditions or upon construction plans approved as part of either the Spring, 1987 Thoroughfare Bond Referendum or the current NC DOT Transportation Improvement Program.

NOTE 2: Notwithstanding the minimum and maximum front setback requirements indicated above, primary freestanding signs which do not exceed six (6) feet in height and are less than seventy-six (76) percent of the maximum sign area established above may be located within five (5) feet of the front property line and shall have no maximum front setback.

NOTE 3: "Front Setback" refers to the setback from the front and/or corner side property line(s).

NOTE 4: For HD, CBD and residential districts, see specific Sign Regulation sections for area, height, number, setback, location, permitting and other sign requirements.

EXHIBIT B

PERMITTED AND PROHIBITED SIGNS

				Zoning District					
Sign Type	SF Res	MF Res	HD	CBD	O&I	CB	RB	CS	All Ind
Roof	X	X	X	X	X	X	X	X	X
Animated/ Flashing	X	X	X	X	X	X	X	X	X
Attached (Wall)	X	X	P	P	P	P	P	P	P
Awning	X	X	P	P	P	P	P	P	X
Banner	X	P	P	P	P	P	P	P	P
Changeable Copy	P	P	P	P	P	P	P	P	P
Construction	P	P	P	P	P	P	P	P	P
Directional	P	P	P	P	P	P	P	P	P
Electronic Changeable Copy	X	X	X	X	P	P	P	P	P
Flag	P	P	P	P	P	P	P	P	P
Flashing	X	X	X	X	X	X	X	X	X
Freestanding	P	P	P	P	P	P	P	P	P
Incidental	X	X	P	P	P	P	P	P	P
Integral	P	P	P	P	P	P	P	P	P
Off-Premises	X	X	X	X	X	X	X	X	X
Outdoor Adv.	X	X	X	X	X	X	X	X	X
Pennant	X	X	X	X	X	X	X	X	X
Political	P	P	P	P	P	P	P	P	P
Portable	X	X	X	X	X	P	P	P	P
Projecting	X	X	P	P	X	X	X	X	X
Real Estate	P	P	P	P	P	P	P	P	P
Revolving	X	X	X	X	X	X	X	X	X
Sandwich Brd.	X	X	X	P	X	X	X	X	X
Wind Device	X	X	X	X	X	X	X	X	X
Window	X	X	P	P	P	X	P	P	P

KEY

X--Prohibited

P--Permitted

NOTE 1: See specific sections for area, height, number, setback, location, permitting and other sign requirements.

NOTE 2: For HD-R permitted and prohibited signs, see HD in above table. See Section 18-574 for specific HD-R provisions.

Sec. 18-581. Signs permitted in Cemetery Districts.

One (1) identification sign per entrance or street footage not to exceed thirty-five (35) square feet in sign area. Identification signs may be located on walls provided the wall to which the sign is attached does not exceed four (4) feet in height and seventy-five (75) square feet in area.

Sec. 18-582. Signs permitted for historic mixed use buildings.

Historic mixed use buildings are permitted within the 1945 corporate limits for buildings that meet the criteria as stated in section 18-278 of this chapter and located in a CB, CS, O&I, R-3 or R-5 district. Historic mixed use buildings located in an R-3 or R-5 shall be subject to section 18-576, Signs permitted in most districts, and 18-577, Signs permitted in residential districts of this chapter. Notwithstanding the provisions of section 18-579, signs permitted in commercial and office and institutional districts, the following signs are the only signs permitted for mixed use buildings in the CB, CS and O&I zones.

- (a) *Directional signs:* Not exceeding thirty (30) inches in height and not exceeding four (4) square feet in area which direct on-premises vehicular or pedestrian traffic and bearing no other identification or advertising matter shall not be limited in number.
- (b) *On-premises window signs:* A mixed use building may erect on-premises canopy or awning signs provided:
 - (1) There is no projecting sign on the principal building.
 - (2) The combined total area of such signs shall not exceed twenty (20) percent of the aggregated area of the canopy or awning.
 - (3) Signs which are attached below a canopy or awning shall not extend beyond the width of such canopy or awning, shall not be erected at a height of less than nine (9) feet above the sidewalk or pedestrian walkway and shall not exceed three (3) square feet in area.
- (c) *On-premises window signs:* Mixed use buildings may install on-premises window signs provided:
 - (1) The area of such signs shall not exceed an aggregate area equal to ten (10) percent of the total ground floor glass window area of the building.
 - (2) In the CB, CS and O&I districts such signs, if located inside the window, may be neon signs.
 - (3) Such signs are prohibited above the first floor occupancy.
 - (4) Such signs do not prohibit two-way visibility in and out of the building.
- (d) Reserved.
- (e) *Incidental signs:* Mixed use buildings may display incidental signs provided:

- (1) Such signs are flat mounted against the building, window or door.
- (2) Such signs shall not exceed a total area of two (2) square feet.
- (f) Revolving signs: Revolving signs are allowed only in conjunction with a barber shop.
- (g) *Other signs:* All signs as permitted in section 18-576, signs permitted in most districts, and section 18-577, signs permitted in residential districts.

Secs. 18-583--18-590. Reserved.

DIVISION III. GENERAL PROVISIONS AND REGULATIONS

Sec. 18-591. Prohibited signs.

In all zoning districts the erection, construction, location and/or the use of any sign is prohibited as follows. Such signs, if deemed to create a public safety hazard by the City Manager, may be removed immediately; otherwise, prohibited signs shall be removed as provided under section 18-601.

- (a) No sign shall contain statements, words or pictures which describe or display "specified anatomical areas" or "specified sexual activities," as defined in the Land Development Code, or which contain words which are classified as "vulgar" or "vulgar slang" in The New College Edition of the American Heritage Dictionary of the English Language, 1981 Edition; The word "goddamn" is also specifically prohibited for use in signs.
- (b) No sign shall be permitted on or protrude into a public right-of-way, street or passageway except as provided specifically herein.
- (c) Except for signs installed by or with the approval of an appropriate governmental agency, no sign shall be attached to, hung or painted on any curb stone, hydrant, lamppost, barricade, temporary walk, telephone pole, telegraph pole, electric light pole or other utility pole, public fence or on a fixture of a fire alarm or police call system within any public right-of-way.
- (d) No sign shall be permitted whereby its location, nature or type constitutes or tends to constitute a hazard to the safe and efficient operation of vehicles upon any public right-of-way, street or passageway.
- (e) No sign shall be permitted that would obstruct the line of sight of motorists or pedestrians at intersections, driveways, or along any public right-of-way, street or passageway.
- (f) No sign shall be permitted, as specified in G.S. 136-32.2 that would obstruct or resemble traffic signs or signals, or would tend to be confused with a flashing light of an emergency vehicle.

- (g) No sign shall be permitted to prevent free ingress and egress from any door, window or fire escape.
- (h) No sign shall be permitted containing or consisting of banners, posters, pennants, ribbons, balloons, streamers or other similarly moving devices or ornamentation, except as specifically provided herein.
- (i) No sign shall be permitted which contains or utilizes revolving or rotating beams of light of stroboscopes.
- (j) No detached sign shall be located closer than ten (10) feet in any direction from any power or transmission line.

(NOTE: This does not include the supporting structure e.g., the power pole.)

- (k) No detached sign shall be located within the triangular sight distance as defined herein.
- (l) No sign shall be placed on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign (this does not apply to permitted portable signs, or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).
- (m) No sign shall be erected which flashes. Animated signs are prohibited except for kinetic signs as permitted under the provisions of subsection 18-185(d)(10)f.
- (n) No new outdoor advertising signs shall be permitted, except as provided in Section 18-608 below.
- (o) All signs that are located within any public right-of-way, e.g., on utility poles, street markers, traffic signs, etc., in violation of this chapter may be removed and disposed of by the Code Enforcement Officer (or other public employee as authorized by the City Manager) without notice.

Sec. 18-592. Signs not requiring permits.

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this chapter.

- (a) Signs used by churches, synagogues, or civic organizations.
- (b) Construction signs.
- (c) Directional/information signs of four (4) square feet or less.
- (d) Individual political signs.
- (e) Nameplates of four (4) square feet or less.

- (f) Public signs or notices or any sign relating to an emergency.
- (g) Real estate signs.
- (h) Incidental signs.
- (i) Residence signs or street address numbers, not exceeding four (4) square feet in size.
- (j) Signs used for bona fide navigational aids.
- (k) Flags.

Sec. 18-593. Maintenance.

Should any sign become in danger of falling or be deemed otherwise unsafe in the opinion of the City Manager, the owner thereof, or the person or firm maintaining the same, shall upon written notice from the City Manager, forthwith in the case of immediate danger and in any case within ten (10) days, secure said sign in a manner to be approved by the City Manager in conformity with the provisions of the state building Code, or remove such sign. If such sign is not removed by the owner, the City Manager may initiate legal procedures to obtain the necessary court orders to remove such signs at the expense of the owner or lessee thereof.

Sec. 18-594. Abandoned signs.

Any on-premises sign relating to any business or other use shall be removed by the owner of the sign and/or property owner within sixty (60) days after such business has been vacated or terminated. If such sign has not been removed after the removal time has expired and after proper written notification has been issued, the City Manager may initiate legal procedures to remove such signs at the expense of the owner or lessee thereof.

Sec. 18-595. Area computation.

For the purpose of this chapter, the area, in square feet, of any sign shall be computed by the smallest square, triangle, rectangle, circle or combination thereof which will encompass the entire sign. In computing the sign area in square feet, standard mathematical formulas for known or common shapes will be used. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used.

Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back and are at no point more than two (2) feet from one another. The area of the sign shall be taken as the area of the larger face if the two (2) faces are of unequal area; if the areas of the two (2) faces are equal, then the area of one (1) of the faces shall be taken as the area of the sign.

Sec. 18-596. Lighting.

Unless otherwise specified by this article, all signs may be illuminated. However, no sign regulated by this article may utilize:

- (a) An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion.
- (b) Any exposed incandescent lamp unless a screen is attached.
- (c) Any revolving beacon light.

Sec. 18-597. Indemnification and insurance.

All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way or property shall agree to hold harmless and indemnify the City of Wilmington, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this chapter has not specifically directed the placement of a sign.

No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs without a valid contractor's license and all required licenses on the state and federal level.

All persons involved in the installation, maintenance, relocation, or alteration of signs shall maintain all required insurance and shall file with the state a satisfactory certificate of insurance to indemnify the City, state, or county against any form of liability to a minimum of one hundred thousand dollars (\$100,000.00).

Sec. 18-598. Freedom of expression for noncommercial messages.

(a) Notwithstanding any other provision of this article, it shall be permissible to place on any lot, with the permission of the owner or person in possession of such premises, one (1) sign not to exceed twelve (12) square feet in sign area, that contains a noncommercial message. No sign permit shall be required to erect such signs, but such signs shall be subject to the limitations set forth in section 18-591, prohibited signs (b) and (d) through (j).

(b) Notwithstanding any other provision of this article, noncommercial copy may be substituted for commercial copy or other noncommercial copy on any sign that is permissible under this article.

Sec. 18-599. Permit conditions, refunds and penalties.

A permit issued by the City Manager becomes null and void if work is not commenced within six (6) months of issuance. If work authorized by the permit is suspended or abandoned for six (6) months, the permit must be renewed with an additional payment of one-half (1/2) of the original fee.

If any sign is installed or placed on any property prior to receipt of a permit, the specified permit

fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirements or penalties prescribed in this chapter.

Sec. 18-600. Temporary and special event signage.

(a) *Banners.* Allowed for special events with a permit for up to thirty (30) days of consecutive use, two (2) times per calendar year (separated by a minimum of thirty (30) days) for parcels zoned CBD and HD. There shall be no more than two (2) banners per occupancy per permit. In the case of City parks, each group or activity will be considered a separate occupancy. In the HD and HDO, approval shall be through the administrative bypass procedure for a certificate of appropriateness. Museums and cultural arts centers within the City of Wilmington are permitted continuous, year-round display of one (1) banner and there is no time constraint imposed upon any one (1) banner's display. A second banner may be permitted in compliance with the banner restriction applied to other uses within the City.

For grand openings, or other special events on parcels not zoned CBD or HD, a banner may be used for no more than thirty (30) days for one (1) time per calendar year. These banners are allowed with a permit in the CB, RB, O&I, CS, AI, LI, IND districts and in the multi-family residential districts (MF-L, MF-M, MF-MH and MF-H).

(b) *Flags.* Allowed up to a maximum of ten (10) flagpoles per parcel according to the following schedule. Ground-mounted flagpoles shall not exceed height limits established in the following schedule. Roof-mounted flagpoles shall not exceed the maximum height permitted in each zoning district for roof-mounted antennae. No more than two (2) flags shall be permitted per each flagpole not to exceed the cumulative area established below. The United States, North Carolina, and City of Wilmington flags are exempt from all restrictions of the Sign Ordinance.

Zoning District	Parcel Size	# of Flagpoles	Area/Height
CBD	N/A	10	200 s.f./50'
HD, CB, O&I, CS, RB	1 acre	3	80 s.f./35'
AI, LI, & IND	1--3 acres	5	200 s.f./50'
	More than 3 acres	10	200 s.f./50'
	More than 10 acres	10	800 s.f./80'
All Other Zones	N/A	1	80 s.f./35'

(c) *Off-site real estate signs.* Off-site real estate signs are generic signs with display content limited to a directional arrow and/or one (1) descriptive phrase of "open house" or "home for sale," and allowed off the premises from where the real estate product is being offered and subject to the following provisions:

- (1) Located on private property only with written permission of the applicable property owner. The property owner or real estate agent shall be subject to the applicable penalties for violation of these provisions.
- (2) Maximum size is four (4) square feet.
- (3) Maximum sign height is three (3) feet, measured from the adjacent ground elevation to the

uppermost portion of the sign.

- (4) Limitation of one (1) sign per intersection.
- (5) No sign shall block any sight distances of any intersection.
- (6) No sign shall be placed within a public or private road right-of-way.
- (7) All signs shall be freestanding.
- (8) No signs shall be placed on trees, utility posts, traffic control signs or other signs.
- (9) Signs shall not have lighting, movable elements or flags.
- (10) Allowable times of placement are as follows:
 - a. A sign directing attention to a temporary sales office or model unit in a development of multiple lots or units offered for sale may remain in place seven (7) days a week, for as long as the temporary sales office or model unit is on site.
 - b. A sign directing attention to any property or properties other than a model unit or sales office as specified in paragraph (a), may remain in place from 4:00 p.m. on Friday to 8:00 a.m. on the following Monday. On the following specified holidays, signs may be posted after 4:00 p.m. the day prior to the actual holiday and must be removed by 8:00 a.m. the day following the holiday:
 - i. New Year's Day
 - ii. Martin Luther King, Jr. Day
 - iii. Good Friday (Friday before Easter)
 - iv. Azalea Festival--Friday
 - v. Memorial Day
 - vi. Independence Day
 - vii. Labor Day
 - viii. Veteran's Day
 - ix. Thanksgiving Day--Thursday and Friday
 - x. Christmas Day

(d) *Pennants*. Prohibited except as navigational aids, or if used by a religious activity or by an educational or charitable organization. (See flags).

(e) *Portable signs*. Allowed with a permit for up to thirty (30) days of consecutive use, two (2) times a calendar year (separately by a minimum of thirty (30) days) for parcels zoned CB, CS, RB, AI, LI, and IND; Prohibited elsewhere. Portable signs cannot exceed thirty-five (35) square feet in size and six (6) feet in height, or be located within five (5) feet of any property line, one (1) portable sign per parcel. At the expiration of the permit period, the sign, which includes the lettering as well as the signage cabinet, shall be removed.

Sec. 18-601. Amortization of on-premises signs.

(a) Except as otherwise specified herein, any nonconforming sign shall be removed or rendered in compliance with this article within the following times from the effective date of this article.

All other signs not listed below in existence on the effective date of this article shall not be subject to the amortization procedures provided below, and shall be permitted to remain under the nonconforming provisions of this chapter.

- (1) Nonconforming flashing or animated signs in any zoning district or special district--30 days
- (2) Nonconforming signs made of paper, cloth or other nondurable material in any zoning district or special district--90 days
- (3) Nonconforming signs, other than those specified in (1) and (2) above, in the Central Business District and the Historic District--3 years
- (4) Nonconforming outdoor advertising signs are subject to the provisions set forth in Division IV of this article.
- (5) Freestanding signs--10 years.

Nonconforming freestanding signs which are within fifteen (15) per cent of the maximum sign area requirements and/or within four (4) feet of the maximum height requirements (see Exhibit B) shall not be required to be brought into compliance with the size and/or height requirements, as applicable, of this article. Freestanding signs which are nonconforming with regard to sign height and which are relocated in order to conform to the sign location requirements of this article shall also be brought into conformance with the sign height requirements. Nonconforming freestanding signs which are relocated under the provisions of this article may utilize one (1) required parking space for the relocated sign if no other option exists for relocating the sign on the site as determined by the City Manager. Freestanding signs which are nonconforming only with regard to the maximum front setback requirement shall not be subject to the amortization procedures outlined herein.

(6) Portable or other temporary signs--120 days

(7) Signs requiring permits which are erected without permits, prohibited signs, or signs which are otherwise erected illegally under the provisions of this article or any other City ordinance, including previous City sign regulations unless made conforming by this article--60 days

(b) The City Manager shall endeavor to notify the owner(s) of any freestanding sign deemed to be in violation of these regulations within two (2) years of the effective date of this Article. For portable and other temporary signs deemed to be in violation of these regulations, the City Manager shall notify the owner(s) of the status of the signs under the provisions of this article after the effective date. The failure to give notice as provided in this subsection shall not affect any amortization period and shall not be a defense to any action to enforce this article.

(c) A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards or demountable material on nonconforming signs shall be permitted.

(d) Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs and neon tubing repairs shall be permitted.

(e) Nonconforming signs which are structurally altered, relocated or replaced shall comply in all respects with the provisions of this article, except as specifically excepted herein.

(f) New signs related to legally established nonconforming uses may be erected provided they comply with the sign requirements of the district in which the use is located.

Secs. 18-602--18-607. Reserved.

DIVISION IV. REGULATION OF OUTDOOR ADVERTISING SIGNS

Sec. 18-608. Allowance; Removal/Relocation/Reconstruction of non-conforming outdoor advertising signs.

(a) *New signs limited:* No new outdoor advertising signs shall be permitted in the City of Wilmington except for outdoor advertising signs that are removed, relocated, or reconstructed pursuant to the requirements of this section.

(b) *Agreements Authorized.* Any outdoor advertising sign that has been properly registered shall be considered a “qualified sign” for purposes of this section and eligible for a removal, relocation, and reconstruction agreement pursuant to the terms of this section. Any outdoor advertising sign that had not been properly registered shall not be eligible for such an agreement. For any signs that are registered as qualified signs pursuant to subsection (c) below, the city and the sign owner may enter into an agreement providing for the removal, relocation, and/or reconstruction of said signs, subject to the limitations set forth below. In addition, the city and sign owner may enter into an agreement providing for the relocation or reconstruction of qualified signs on the same lot, subject to the limitations set forth

below. Prior to any relocation or reconstruction of a qualified sign that conforms to the limitations below, a sign permit from the City of Wilmington is required as provided for in Section 18-50 of this Chapter, and said permit shall constitute an agreement between the permit holder and the city for purposes of this subsection and the N.C. Gen. Stat. 160A-199. A qualified sign owner who has removed such sign from a lot at a time when the provisions of this Section 16-608 remain effective has a vested right to relocate said sign within one (1) year from the date of removal regardless of subsequent changes to the City Code.

(c) *Qualified signs.* Within ninety (90) days of the effective date of this ordinance, owners of outdoor advertising signs located within the city's planning and regulatory jurisdiction shall apply to register signs with the City Manager. For areas added to the city's planning and regulatory jurisdiction after the effective date of this ordinance by annexation or extraterritorial jurisdiction extension, the city shall notify the owner of any outdoor advertising signs in writing of such annexation or extension. The owners of any outdoor advertising signs in such areas shall apply to register signs with the City Manager within one hundred eighty (180) days of the date of such notice. No outdoor advertising sign may be registered unless such sign has an existing valid permit from the North Carolina Department of Transportation.

(d) *Gateways.* A qualified sign owner may not reconstruct or relocate a sign that is not a gateway sign, as defined herein, until such time as all qualified signs of said owner have been removed and relocated from US 76, east of the Cape Fear Memorial Bridge to 16th Street. This limitation shall not apply if the qualified sign owner does not own or lease any signs in such area. When a qualified sign owner reconstructs or relocates a sign that is not a gateway sign, the owner shall remove and relocate any signs owned or leased by the owner on North College Road from the city limits to Market Street within eighteen (18) months from the issuance of the building permit for the sign that is not a gateway sign and remove and relocate any signs owned or leased by the owner on North Third Street from the city limits to Harnett Street within thirty-six (36) months from the issuance of the building permit for the sign that is not a gateway sign. For the purposes of this section, a gateway sign is any sign located on the portions of US 76, North College Road and North Third Street as described herein.

(e) *Location.* A qualified sign may be relocated or reconstructed and continued as a nonconforming use on any lot zoned CB, Community Business District; RB, Regional Business District; CS, Commercial Services District; LI, Light Industrial District; IND, Industrial District; or AI, Airport-Industrial District; and located only in the following areas:

- (1) Market Street from Mercer Avenue to terminus of city's zoning jurisdiction;
- (2) College Road from Market Street south to terminus of city's zoning jurisdiction;
- (3) Oleander Drive from Dawson Street south to the southern bank of Bradley Creek;
- (4) Carolina Beach Road;
- (5) Shipyard Boulevard from S. 17th Street west to its terminus.

(f) *Removal/replacement/reconstruction.* Any relocated and/or reconstructed qualified sign shall comply with the following standards:

- (1) *Number.* The total number of relocated and/or reconstructed signs shall not exceed the number of qualified sign structures and sign faces that are registered as qualified signs.
- (2) *Size.* No outdoor advertising sign shall exhibit a face panel size greater than three hundred eighty (380) square feet or the size of the face panel being relocated and/or reconstructed, whichever is smaller.
- (3) *Separation.* A relocated and/or reconstructed qualified sign shall meet the following separation requirements:
 - a. A minimum of one thousand (1,000) linear feet between qualified signs on the same side of the road, unless the relocated and/or reconstructed sign replaces a sign on the same lot that is constructed on multiple poles. A sign is located on the same side of a road as another sign if the sign structures are adjacent to the same side of the road and the sign faces are oriented to the same direction of traffic.
 - b. A minimum of five hundred (500) linear feet from any locally or nationally designated historic district, unless the relocated and/or reconstructed sign replaces a sign on the same lot that is constructed on multiple poles.
 - c. A minimum of two hundred (200) linear feet from any residentially zoned or used property on the same side of the road, unless the relocated and/or reconstructed sign replaces a sign on the same lot that is constructed on multiple poles.
- (4) *Setback.* A relocated and/or reconstructed qualified sign shall be set back no less than ten (10) feet from the edge of the right of way.
- (5) *Height.* A relocated and/or reconstructed qualified sign shall not exceed forty (40) feet in height.
- (6) *Structural limitations.* A relocated and/or reconstructed qualified sign shall be a monopole sign. Replaced signs shall not be attached to any building. A relocated and/or reconstructed sign is limited to only have one face per side.
- (7) *Landscaping/protected trees.* The base of a reconstructed sign shall be surrounded by a ten (10) foot buffer landscaped in accordance with the requirements of subsections 18-503(b) or (d) of this Chapter. No trees, protected or otherwise, shall be removed for the reconstruction, relocation or removal of a qualified sign. When conditions exist peculiar to the site that prevent the full width of the buffer from being installed, the city manager shall reduce the buffer width requirements up to and including full exemption. Applicable site conditions include but shall not be limited to the protection of trees, the location of existing buildings, existing paving or other site improvements and the maintenance of safe ingress, egress and circulation for the site. In any event, the buffer shall only be reduced to that width necessary to accommodate such conditions. When a buffer is reduced, the qualified sign owner shall make a payment to the city in lieu of providing any required landscaping.

The amount of the payment in lieu shall equal the estimated cost of any landscaping that is not provided by the sign owner.

- (8) *Placement on lot with conforming uses.* A qualified sign may be located on a lot with any conforming uses subject to compliance with the terms of this section.
- (9) *Changeable copy signs.* Upon the issuance of a sign permit as specified in this Chapter, owners of qualified signs may replace existing face panels on qualified signs with digital changeable copy as defined below, subject to the following conditions:
 - a. A single qualified sign owner/operator may not replace more than forty percent (40%) of the total number of qualified sign structures under the same ownership with digital changeable copy;
 - b. Digital changeable copy signs shall not change or alternate displays (words, symbols, figures or images) more frequently than once every fifteen (15) seconds, except that digital changeable copy signs may change or alternate displays as frequently as once every eight (8) seconds if: (i) the sign displays public service announcements on a permanent basis once within every sixty (60) second period, and (ii) the sign operator displays as part of the normal advertising rotation public emergency messages hereinafter defined until such time as such message is no longer reasonably necessary. "Public emergency messages" shall mean: Amber Alert emergency information and information about terrorist attacks, natural disasters, public infrastructure failures and public safety emergencies. Public emergency messages shall be displayed in accordance with protocols developed by the City in conjunction with the issuing agencies and the qualified sign owners. For the purposes of this section, a public service announcement shall be any announcement for which no charge is made and which promotes programs, activities, or services of federal, state, or local governments or the programs, activities or services of non-profit organizations and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.
 - c. Any qualified sign utilizing digital changeable copy shall not be located within one thousand (1,000) feet of any other qualified sign with digital changeable copy ; and
 - d. Any digital changeable copy sign shall meet the following display requirements:
 - i. The images and messages displayed shall be complete in themselves, without continuation in content to the next message or image, or to any other sign.
 - ii. The transition between images shall be instantaneous and without special effects.

- iii. The display shall not be configured to resemble a warning, danger signal, official signage used to control traffic, or to cause a viewer to mistake the sign for a warning or danger signal.
- iv. No electronic animation, movement, scrolling, flashing text, or streaming video shall be permitted.
- v. All digital changeable copy signs shall be designed and equipped to freeze the device in one position or immediately discontinue the display if a malfunction occurs.
- vi. No sign may be brighter than is necessary for clear and adequate visibility and shall not exceed a maximum of seven thousand five hundred (7,500) candela per square meter (cd/m²) during daylight hours and one thousand (1,000) cd/m² during non-daylight hours. No sign shall display such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal or is distracting to drivers. All digital signs shall be equipped with both a dimmer control and photocell that automatically adjusts the intensity of the display according to natural ambient light conditions.
- vii. Prior to the issuance of a sign permit, the applicant shall provide written evidence that the light intensity has been factory pre-set not to exceed seven thousand five hundred (7,500) cd/m² and that the intensity level is protected from end-user manipulation by password-protected software or other method determined appropriate by the City Manager.

(10) *Lighting.* Light emitted from any reconstructed qualified sign shall be confined to the sign area and in no case shall light emitted from a billboard be allowed to shine directly onto or into a residentially zoned or used property.

(g) *Conflict.* These provisions shall control in the event of conflicts with requirements or prohibitions of any underlying zoning district.

(h) *No effect on amortization.* No agreement under this section and nothing herein shall affect the nonconforming status of any outdoor advertising sign or the amortization period under Section 18-610 of this Chapter. The city may at any time require the removal of any outdoor advertising signs in accordance with Section 18-610 of this Chapter and any applicable state and federal laws.

Sec. 18-609. Inspection, construction and maintenance for outdoor advertising signs.

(a) *Inspection.* The City Manager shall inspect all outdoor advertising signs periodically to determine that the same are in a safe condition and meet the requirements set forth in this section.

(b) *Construction.*

- (1) Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, provided that no sign, except official traffic signs, shall be installed closer than ten (10) feet horizontally or vertically from any conductor or public utility guy wire.
- (2) All outdoor advertising sign illumination devices shall be in conformance with the North Carolina State Building Code, Volume IV and all other state and local codes governing illumination. All illumination shall be designed so as to be confined to the sign area of the outdoor advertising sign.
- (3) The backs of all outdoor advertising signs shall be painted in a neutral color to blend in with the surrounding area.
- (4) There shall be no trimming of vegetation on public property or rights-of-way to make any outdoor advertising sign more visible.
- (c) *Maintenance.*
 - (1) All signs shall be maintained in a state of good repair. Whenever it shall appear to the City Manager that any sign has been constructed or is being maintained in violation of the terms of this section or is unsafe or unsecured, such sign shall either be made to conform with all sign regulations or shall be removed at the expense of the owner, within ten (10) days after written notification thereof by the City Manager.
 - (2) Removal of obsolete signs. Sign messages which advertise a discontinued activity or use of a building or premises shall be removed within sixty (60) days from the date the activity or use was terminated. Signs advertising events such as shows, displays, festivals, circuses, fairs, athletic contests, dances, fund drives, elections, exhibits, meetings, conventions and the like shall be removed within thirty (30) days after the date of termination of such events.

Sec. 18-610. Nonconforming outdoor advertising signs.

Any sign which does not conform to the regulations set forth herein is nonconforming and shall either be removed or brought into compliance with this section within the period of time prescribed herein dating from the effective date of these regulations.

- (a) *Conflict situations.* In situations where two (2) or more signs are spaced in a manner that makes them nonconforming to this article and the removal of one (1) or more signs will render the remaining signs conforming, the following steps shall be taken in remedying the conflict situation:
 - (1) The City Manager will ask the owner or owners of all signs involved to provide him with the information necessary for him to determine which signs have realized the highest return on investment ratio and will require (those) signs to be removed to resolve the conflict; or

- (2) If the owner or owners of all the signs involved do not wish to supply the City Manager with the information called for above, he will deem all of the signs involved in the conflict situation nonconforming and require their removal to resolve the conflict; or
 - (3) If one (1) or more affected owners in the conflict situation fail(s) or refuse(s) to comply with the requests for information, then the City Manager may deem all signs for which he does not have adequate information nonconforming, and require the removal of each such sign for which there is insufficient information to resolve the conflict.
- (b) *Amortization.* Outdoor advertising signs made nonconforming by the provisions of this article shall conform to these requirements within a five and one-half (5 1/2) year period after the effective date of this article. Outdoor advertising signs that were nonconforming prior to the adoption of this article shall conform to the regulations existing prior to the adoption of this Article by January 1, 1990, except when such conformance would conflict with the provisions of this chapter; in such cases, the more restrictive requirements shall be observed.

Secs. 18-611--18-620. Reserved.

DIVISION V. CONSTRUCTION SPECIFICATIONS

Sec. 18-621. Compliance with building and electrical codes.

All signs shall be constructed in accordance with the requirements of the City of Wilmington, the North Carolina State Building Code and the National Electrical Code.

Sec. 18-622. Anchoring.

- (a) No sign shall be suspended by non-rigid attachments that will allow the sign to swing in a wind.
- (b) All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.
- (c) All portable signs on display shall be braced or secured to prevent motion.

Sec. 18-623. Wind loads.

Solid signs, and skeleton signs other than attached signs, shall be designed to withstand a wind load according to the North Carolina State Building Code.

Sec. 18-624. Additional construction specifications.

(a) No signs shall be erected, constructed or maintained so as to obstruct any required exit, fire escape, window or door opening used as a means of egress.

(b) No signs shall be attached in any form, manner or shape which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the City of Wilmington Fire Prevention Codes.

(c) Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electrical Code specifications, depending on voltages concerned.

Secs. 18-625--18-635. Reserved